

D. ELIGIBILITY REQUIREMENTS FOR FEDERALLY FUNDED BENEFITS THROUGH THE WASHINGTON BASIC FOOD PROGRAM

Purpose: This section describes which immigrants are eligible for federally funded benefits through the Washington Basic Food Program.

Effective April 1, 2003

WAC 388-424-0020 How does my alien status impact my eligibility for the federally-funded Washington Basic Food Program benefits?

- (1) If you are not a U.S. citizen or U.S. national, you must fall within one of the following three categories, and meet all other eligibility requirements, in order to receive federal Basic Food benefits
 - (a) You are a member of one of the following groups of qualified aliens (as defined in WAC 388-424-0005): A refugee, or an asylee, or a victim of trafficking, or have deportation/removal withheld, or are a Cuban or Haitian entrant; or are a qualified alien (as defined in WAC 388-424-0005) and Amerasian;
 - (b) You are a lawful permanent resident, or paroled for one year or more, or a conditional entrant, or a victim of domestic violence or parent or child of a victim (as defined in WAC 388-424-0005), and one of the following also apply to you:
 - (i) You have worked or can get credit for forty Social Security Administration (SSA) work quarters - see subsections (2) through (5) below;
 - (ii) You are an active duty personnel or honorably discharged veteran of the U.S. military or you are the spouse, unmarried surviving spouse, or unmarried dependent child of someone who meets this requirement;
 - (iii) You receive cash or medical benefits based on Supplemental Security Income (SSI) criteria for blindness or disability;
 - (iv) You have lived in the U.S. as a "qualified" alien as described in WAC 388-424-0005 for at least five years;
 - (v) You are under age eighteen;
 - (vi) You were lawfully residing in the U.S. on August 22, 1996 and were born on or before August 22, 1931.

- (c) You are not in one of the groups listed under (a) or (b) of this subsection but belong to one of the following groups:
 - (i) You are legally residing in the U.S. and are a Hmong or Highland Laotian tribal members (including the tribal members' spouse and dependent children) when the tribe assisted U.S. personnel by taking part in a military or rescue operation during the Vietnam era beginning August 5, 1964, and ending May 7, 1975; or
 - (ii) Canadian born American Indians who are fifty percent American Indian blood; or
 - (iii) American Indians who are noncitizens and members of an Indian tribe as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act.
- (2) For those immigrants who must have credit for forty SSA work quarters to receive Basic Food benefits, you can receive credit for SSA work quarters, earned only in the U.S., by:
 - (a) Earning enough money to qualify for work quarters;
 - (b) Getting credit for quarters earned by a parent or step-parent while you are under age eighteen including before you were born; or
 - (c) Getting credit for quarters earned by your spouse while you are married if you are still married to them or they are deceased.
- (3) You cannot receive credit for a SSA work quarter after January 1, 1997 if you received TANF, nonemergency Medicaid, food stamps, or federal Basic Food benefits during the quarter.
- (4) If you apply for TANF, nonemergency Medicaid, or Basic Food benefits during your fortieth quarter and you earned enough money to qualify for the quarter before you applied for benefits, you get credit for that quarter.
- (5) You can get federally-funded Basic Food benefits for up to six months while we wait for verification of your eligibility if you or the department:
 - (a) Asked SSA for proof of your work quarters, SSA responded that you have less than forty quarters, and you provide proof that SSA is making an investigation to decide if they can credit you with more quarters; or
 - (b) Turned in a request to a federal agency for proof that you meet immigrant eligibility requirements for federally-funded Basic Food benefits. If you requested this proof, you must provide proof that the agency has accepted this request.

CLARIFYING INFORMATION

1. Proof of alien status:

If a client does not provide proof of the alien status of someone in the assistance unit (AU), the client can withdraw the application or apply for Basic Food without that person. That person is an ineligible AU member under WAC 388-408-0035. Please refer to Verification for general rules regarding documentation.

2. **Canadian-born American Indians** who are 50% American Indian blood are granted the right to move freely across the U.S.-Canadian border by Section 289 of the Immigration and Nationality Act (INA). See Worker Responsibilities for help in documenting the status of non-citizen American Indians.

3. Income and resources of immigrants and their sponsors:

See WAC 388-450-0140 for the treatment of income of AU members who are ineligible to receive federally funded Basic Food due to alien status.

See WAC 388-450-0160 and 388-470-0060 for the treatment of income and resources of a sponsored alien's sponsor.

NOTE: An immigrant who is an ineligible member of a federally-funded Basic Food AU should not have his sponsor's income and resources deemed to eligible AU members, even if he would be subject to sponsor deeming for the state-funded Basic Food program.

4. Deeming requirements for sponsored immigrants:

We must deem income and resources to a sponsored immigrant who is not exempt from deeming requirements under WAC 388-450-0156. This includes a sponsored immigrant who is eligible for federal benefits based on being a qualified alien who has lived in the U. S. for five years if they **do not** have 40 qualifying quarters of work or qualify for a different exemption.

5. When a qualified alien child turns 18 before being in the U.S. for five years:

A qualified alien child under age 18 is eligible for federal Basic Food benefits. If the child is a sponsored immigrant, they are also exempt from the requirements to deem a portion of their sponsor's income and resources under WAC 388-450-0156.

- a. If the immigrant turns age 18 before they have been in the U.S. for five years, they must meet one of the other requirements under WAC 388-424-

- 0020 to keep getting federally funded Basic Food benefits.
- b. If they do not meet any of the other requirements for federal benefits, the immigrant is eligible for state-funded Basic Food. The immigrant regains eligibility for federal benefits after they have been in the U.S. for five years or meet one of the other criteria under WAC 388-424-0020.
6. Eligibility in the quarter the client has 40 quarters of credit:
- Clients can qualify for work quarters in advance by having earnings that qualify for four quarters. Even though a client may have qualified for a future quarter, the client cannot get credit for the quarter until the quarter has started. A client may be eligible for federal benefits the month **after** the month they get credit for the 40th quarter

EXAMPLE 1

A client had enough earnings in the first quarter to cover 4 quarters for a year (each year is counted separately), and the client came in to apply in February. We can count the January-March quarter, but even though the client had sufficient earnings to qualify the April-June quarter as well, we cannot credit this quarter until April 1st. Likewise, we cannot credit the July-September quarter until July 1st, nor the October-December quarter until October 1st.

EXAMPLE 2

An immigrant has not received any benefits that prevent us from counting their quarters of work. Their 40th quarter is 10/02-12/02. The immigrant earns their 40th quarter in 10/02. They could be eligible for federal benefits beginning 11/02.

WORKER RESPONSIBILITIES

1. Non-citizen American Indians:
- To verify the status of a non-citizen American Indian, ask the client for an enrollment membership card, a treaty fishing card, other tribal documents, or Bureau of Indian Affairs certification to prove either tribal membership or 50 percent Indian blood. Verification of permanent resident alien status can be an I-551 or I-94 with the code S13 or a Canadian passport with an I-551 stamp. Non-citizen American Indians do not need proof of permanent status to qualify for Basic Food.

For a current list of federally-recognized Indian tribes in Washington State, refer to the Governor's Office of Indian Affairs website.

For a current list of federally-recognized Indian tribes in all states, refer to the July 12, 2002 Federal Register Notice.

2. Hmong or Highland Laotian tribe members:
 - a. Determine if the client is eligible based on the individual's qualified alien status. For example, often tribe members are admitted as refugees.
 - b. If not eligible under a qualified alien status, verify that they are lawfully residing in the U.S. and have them sign the following statement under penalty of perjury:
I was a Hmong (or Highland Laotian) tribe member when the tribe assisted the U.S. military during the Vietnam era (8/5/64 to 5/7/75).
See Appendix II for a printable version of this statement.
 - c. Verify the tribe member was born prior to 5/8/75. The tribe member's spouse and unmarried dependent children do not have to be tribal members in order to qualify for federal benefits.
3. The Social Security Administration (SSA) uses the amount of earnings in the chart below to determine whether a person can be credited with a qualifying quarter of coverage. The amount of money a person needs to earn to qualify is based on the yearly amount of earnings no matter when the person worked during the year. For example, in 1995 a person received credit for each \$630 of earnings in which Social Security taxes were paid, up to a total of 4 qualifying quarters for the year.
4. A parent's work quarters for their child:

Allow qualifying work quarters earned by a parent before the child turns age 18. This includes quarters earned before the child was born and quarters earned before the child entered the U.S. A parent cannot be credited with work quarters earned by their child.

EXAMPLE

Twenty-two year old mom, dad, and their child apply for Basic Food. The child is a U.S. citizen. Mom is a permanent legal resident, and dad is undocumented. Mom provides a signed release of information from her father and mother to check their work quarters prior to the clients 18th birthday. (If mom cannot provide a signed release, follow procedures in 8.c. below.) Mom has 16 work quarters; her parents have 35 combined work quarters prior to her 18th birthday. Since neither the mom, nor her mother or father were receiving federal means-tested benefits while they earned these quarters, all 51 quarters can be counted. Mom and child are both eligible for federal Basic Food benefits. Dad is not eligible.

5. Quarters of coverage for recent years:

See Appendix III – Required Earnings by Quarter. This chart shows the amount of earnings needed to qualify for each quarter of coverage for 1978 through 2002. (The chart will display in a separate window.)

6. Earnings before 1978:

For earnings prior to 1978, a person gets credit for each quarter where they earned at least \$50. SSA defines a quarter as the 3-month calendar period ending March 31, June 30, September 30, or December 31.

7. If SSA or another federal agency is trying to verify the client's status as an eligible immigrant:

- a. If SSA determined that the client didn't have work-quarters to qualify for federal benefits but is conducting an investigation to determine if they can count additional quarters, allow federal benefits for **up to** six months while SSA conducts their investigation.
- b. If another federal agency such as INS is attempting to determine if the client has a status that would make them eligible for federal benefits, allow federal benefits **up to** six months while the agency conducts the investigation. See Verification for general rules regarding documentation.

8. How to verify work quarters:

To determine work quarters, allow credit for all income earned while residing in the U.S. regardless of their immigration status (legal or illegal) at the time the money was earned.

- a. Compare the amount of money the alien, plus spouse or parents, claim to have earned with the chart above to determine if it is sufficient to establish qualifying work quarters.
- b. If the alien, plus spouse or parents, appear to have resided in the U.S. long enough and appears to have enough earnings to qualify, follow local office procedures to verify the qualifying quarters through the Social Security Administration query system. If the spouse or parents are not a part of the assistance unit, request a signed release of information form from the client, to be signed by the spouse and / or parent.
- c. In some situations, such as when a client and spouse are estranged, it may not be possible to obtain written consent for an SSA query from the parent or spouse. If unable to obtain written

consent, it is still possible to make the query. An SSA form (#SSA-513) asking for qualifying quarters during a specific time period and containing the spouse's and / or parent's name, date of birth, and Social Security number must be sent to the Social Security Administration at the following address:

Social Security Administration
Attention: Reports Clearance Officer
1-A-21 Operations Building
Baltimore, MD 21235-0001

- d. From the SSA query system printout, count quarters with "**covered**" plus "**noncovered**" earnings designated with an "**F**" (for federal, state, or local government wages).
- e. Do not count quarters on the SSA query system printout designated by an "**N**" (for quarters with no earnings) or **#** or **Z**, as these symbols indicate quarters with questionable earnings. Also, remember that aliens cannot get credit for any work quarters earned (by themselves or other family members) while receiving a federal means-tested benefit. Federal means-tested benefits are listed in WAC 388-424-0020(3).
- f. Using the SSA query system to verify work quarters is not a mandatory requirement. Work quarters can be verified using other means, such as wage stubs, statements from employers or quarterly Employment Security data in ACES. See ACES User Manual - Interface Data.
- g. Approve state-funded Basic Food benefits if the alien is otherwise eligible, and does not have enough work quarters to qualify for federal benefits.
- h. If a lawful permanent resident can't readily verify work quarters, determine if they, plus their spouse or parents, have lived in the U.S. long enough to have 40 work quarters (10 years for an individual, 5 years for a married couple). If they have lived in the U.S. long enough to have 40 work quarters, and verification is pending, follow the rules outlined in 7. above and in WAC 388-424-0020(5).